

## COMMENTS

The Examiner had indicated that claims 4-7, 9, 10, 13-24, 30-32, 34-36, 38, 39 and 94 were objected to as dependent upon rejected base claims, and would be allowable if rewritten in independent form. The present amendment has amended all claims to include subject matter indicated as allowable. More specifically:

Independent claim 1 has been amended to include the subject matter of claim 4.

Claim 7 has been rewritten in independent form to include all the features of original claim 1 from which it depended.

Claim 13 has been rewritten in independent form to include all the features of original claim 1 from which it depended.

Claim 21 has been rewritten in independent form to include all the features of original claim 1 from which it depended.

Claim 23 has been rewritten in independent form to include all the features of original claim 1 from which it depended.

Independent claim 27 has been amended to include the features of original claim 32.

Claim 31 has been rewritten in independent form and includes all the features of original claim 27 from which it depended.

Claim 34 has been rewritten in independent form and includes all the features of original claim 27 from which it depended.

Claim 35 has been rewritten in independent form and includes all the features of original claim 27 from which it depended.

Claim 36 has been rewritten in independent form and includes all the features of original claim 27 from which it depended.

Claim 38 has been rewritten in independent form and includes all the features of original claim 27 from which it depended.

Claim 39 has been rewritten in independent form and includes all the features of original claim 27 from which it depended.

All of the remaining claims are dependent from one of the amended independent claims.

### **The §112 Rejection**

The Examiner had rejected claim 95 under 35 U.S.C. §112, third paragraph, based upon the Examiner's contention that claim 95 included new matter. That is respectfully traversed for the following reasons.

The language which the Examiner has referred to as new matter is the phrase "second predetermined size smaller than the first predetermined size" as well as the limitation "expelling solid waste material".

The Examiner is respectfully directed to original claim 32 which uses exactly that same language. Original claim 32 is of course part of the original disclosure and thus the language of new claim 95 is not new matter.

Furthermore, the Examiner is referred to the original specification at page 31 line 18 through page 36 line 4 for a detailed description of the grinders/cutters. The cutting size is more specifically discussed at page 32 line 8 through page 33 line 13. The press is further described again at page 36 line 17.

Accordingly, it is respectfully submitted that neither the language nor the subject of claim 95 constitutes new matter.

If the Examiner has any further question with regard to the new matter issue, it is respectfully requested that the Examiner call the undersigned to schedule a telephone interview to discuss that one remaining point.

### Summary

In conclusion, it is believed that the arguments and amendments set forth above are sound, and accordingly reconsideration of the application is requested along with an early indication of the allowance of claims 1-3, 5-10, 13-31, 34-39 and 94-95.

### Request for Acknowledgement of

### Supplemental Information Disclosure Statement

On April 16, 2004, Applicant mailed a SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, Form PTO-1449, copies of cited references, along with the appropriate fee, all of which was received in the Patent and Trademark Office on April 19, 2004.

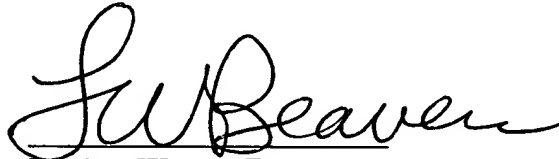
It is respectfully requested that the Examiner initial and return a copy of that Form PTO-1449 acknowledging his review of the references cited therein.

**Additional Filing Fees**

By the present amendment this application has a total of 12 independent claims. Applicant originally paid for the filing of 7 independent claims with the original application.

Accordingly, a fee is due for 5 additional independent claims at a small entity fee of \$43 each, for an additional fee of \$215.00. Applicant's check in that amount is enclosed. Any additional fees or credits may be charged to Deposit Account 23-0035.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lucian Wayne Beavers". The signature is written in dark ink and is positioned above the printed name and title.

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ATTORNEY FOR APPLICANT

Please address all correspondence to:

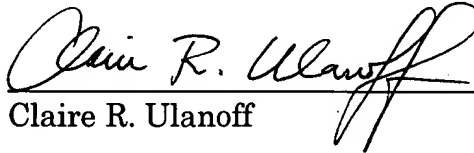
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I hereby certify that this RULE 116 AMENDMENT and check for \$215.00 are being deposited with the United States Postal Service on the date noted below as first class mail in an envelope addressed to:

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Claire R. Ulanoff

9-21-04  
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Date